

7/9/2019

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA**  
LYNCHBURG DIVISION

MABEL HARRIS,

*Plaintiff,*

v.

ANDREW SAUL, COMMISSIONER OF SOCIAL  
SECURITY,

*Defendant.*

CASE NO. 6:18-cv-68

ORDER

JUDGE NORMAN K. MOON

This matter is before the Court on the parties' cross motions for summary judgment (dkt. 12, 14), and the Report & Recommendation of United States Magistrate Judge Robert S. Ballou (dkt. 16, hereinafter "Report"). Pursuant to Standing Order 2011-17 and 28 U.S.C.

§ 636(b)(1)(B), I referred this matter to Judge Ballou for proposed findings of fact and a recommended disposition. The parties filed cross motions for summary judgment, and on June 24, 2018, Judge Ballou filed a Report recommending that Plaintiff's Motion for Summary Judgment, (dkt. 12), be granted in part, the Commissioner's Motion for Summary Judgment, (dkt. 14), be denied, and the case be remanded under sentence four of 42 U.S.C. § 405(g) with instructions to the ALJ to consider the records submitted to the Appeals Council, as outlined in the Report. After a review of the record in this case, and no objections having been filed to the Report within fourteen days of its service upon the parties, I adopt the Report in its entirety.

Accordingly:

1. The Report of June 24, 2019, is hereby **ADOPTED** in its entirety;
2. Plaintiff's Motion for Summary Judgment, (dkt. 12), is hereby **GRANTED IN PART**;
3. Defendant's Motion for Summary Judgment, (dkt. 14), is hereby **DENIED**; and

4. The case is hereby **REMANDED** for further administrative consideration consistent with the Report. On remand, the ALJ is to consider the records submitted to the Appeals Council, as outlined in the Report.

The Clerk of the Court is hereby directed to send a copy of this Order to all counsel of record and to United States Magistrate Judge Robert S. Ballou.

It is so **ORDERED**.

Entered this 9th day of July, 2019.

  
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NORMAN K. MOON  
SENIOR UNITED STATES DISTRICT JUDGE